

REMARKS

Amendments

Claims 1 and 35 are amended to incorporate the recitation of claim 16, now cancelled. See, e.g., page 10 lines 9-11. Also, the definition of group R¹ in claims 1 and 35 is rearranged for clarity. Similar changes are made to claims 21-26. See, e.g., page 9, lines 11-38. Claim 27 is amended to insert a parenthesis in the name of the second compound. Also, claim 35 is amended to delete "furthermore preferably" and also amended to delete the benzo-oxadiazolyl radicals, also called benzofurazanyl. See Example 17 of US 5,032,604 (Baldwin et al.).

New claim 36 is similar to original claim 1, except that R¹ is defined as Het¹ or a naphthyl radical which is unsubstituted or substituted by R² and/or R³, and Het¹ is defined as in claim 35. Claim 37 is similar to the prior version of claim 1, except that R¹ is defined as Het¹ or a naphthyl radical which is unsubstituted or substituted by R² and/or R³. New claim 38 is similar to original claim 1, except that R⁴ is defined as CN, acyl having 1-6 C atoms, Hal, A, OA or OH, or together with R⁵ is alkylene having 3-5 C atoms. New claim 39 is similar to original claim 1, except that R⁵ is CN, acyl having 1-6 C atoms, or Hal, or together with R⁴ is alkylene having 3-5 C atoms. See, e.g., page 1, lines 1-31 and page 9, lines 11-33.

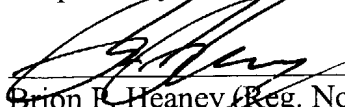
New claims 40-43 recite that the R¹-CH₂-CH₂-piperazinecarbonyl radical is attached to the 4-, 5-, 6- or 7-position of the indole ring. See, e.g., page 10, lines 9-11. New claims 44-45, which depend from claim 36, recite certain R¹ groups. See, e.g., page 9, lines 11-38. New claim 46 is similar to present claim 35 with further specific definitions of groups R², R³, R⁴ and A. See, e.g., page 7, line 24 - page 8, line 7. New claims 47-54 recite specific compounds and their salts or solvates. See, e.g., page 18, line 35 - page 22, line 22. New claims 55-71 are directed to further aspects of applicants' invention. See, e.g., page 4, lines 3-4; page 5, lines 6-8; and page 16, lines 28-34; page 20, lines 32-84.

Baldwin et al. (US '604) discloses the compounds 4-[2-Benzofurazan-5(or 6)-yl)ethyl]-1-indole-5-carbonyl)-piperazine. See column 24, Example 17. Adams et al. (WO '715) discloses 1-(1H-Indol-3-carbonyl)-4-(2-phenylethyl)piperazine. See page 8, line 25. Shutske (EP '240)

discloses 1-[5-methoxy-1H-indol-7-yl) carbonyl]-4-(2-phenylethyl) piperzine. US '604, WO '715 and EP '240 do not suggest Applicants' claimed invention.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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